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In this chapter. . .

This chapter contains an overview of sources used to pay the costs associated with child protective proceedings. The chapter begins with a brief discussion of governmental sources used to pay the costs of care and service provided to a child and family. Federal reimbursement of foster care costs under Title IV-E of the Social Security Act and related regulations is discussed in some detail. The chapter also discusses parental reimbursement of the costs of care and attorney and lawyer-guardian ad litem fees.

14.1 Federal, State, and County Sources of Funding

This section provides an overview of federal, state, and county sources of funding for the costs associated with child protective proceedings.

- If a child and placement are eligible for federal foster care maintenance payments under Title IV-E of the Social Security Act, 42 USC 670 et seq., the state and federal governments may share the costs of care and service. The state and federal governments each pay 50% of the costs if an eligible child is placed in a licensed foster home or eligible private child care institution.

If a child or placement is ineligible for Title IV-E funding, other sources may be used:

- In-home care costs may be paid out of a county's Child Care Fund (CCF), with reimbursement by the Department of Human

Services (DHS) of 50% of eligible expenditures. MCL 400.117a(1)(c). The state may pay 100% of eligible expenditures for children supervised by DHS for services to prevent the need for out-of-home placement. Such programs are termed “Child Safety and Permanency Plan” and “Families First.”

- Shelter care, foster care, and diagnostic evaluation and treatment costs may be paid out of a county’s CCF, with reimbursement by the DHS of 50% of eligible expenditures. MCL 400.117a(1)(c).
- If a child is placed with a private agency or institution under MCL 712A.18(1)(d), the costs of care and service may be paid from the county’s CCF. *Wayne Co v Michigan*, 202 Mich App 530, 535–36 (1993).
- If a child is referred to the DHS for placement and supervision under MCL 400.55(h), the costs of care and service may be paid out of the county’s CCF, with reimbursement by the DHS of 50% of eligible expenditures. MCL 400.117a(1)(c).
- If following termination of parental rights a child is committed to the Michigan Children’s Institute under MCL 712A.18(1)(e), MCL 400.115b, and MCL 400.201 et seq., the county must reimburse the DHS for 50% of the costs of care and service. MCL 400.207(1) and MCL 803.305(1).

Federal foster care maintenance payments under Title IV-E. This source of funds may be used for court or public wards who meet eligibility requirements and are in eligible placements. Title IV-E of the Social Security Act, 42 USC 670 et seq., and related regulations set forth requirements for distributing federal funds to states’ child protection and foster care systems. A DHS caseworker typically determines a child’s eligibility for “foster care maintenance payments” under Title IV-E within a month after the child has been placed outside of his or her home. See *DHS Services Manual*, CFF 902-2. “Foster care maintenance payments” are defined in 45 CFR 1355.20 as:

“Foster care maintenance payments are payments made on behalf of a child eligible for title IV-E foster care to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, and reasonable travel for a child’s visitation with family, or other caretakers. Local travel associated with providing the items listed above is also an allowable expense. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the

preceding sentences. ‘Daily supervision’ for which foster care maintenance payments may be made includes:

(1) *Foster family care* -- licensed child care, when work responsibilities preclude foster parents from being at home when the child for whom they have care and responsibility in foster care is not in school, licensed child care when the foster parent is required to participate, without the child, in activities associated with parenting a child in foster care that are beyond the scope of ordinary parental duties, such as attendance at administrative or judicial reviews, case conferences, or foster parent training. Payments to cover these costs may be: included in the basic foster care maintenance payment; a separate payment to the foster parent, or a separate payment to the child care provider; and

(2) *Child care institutions* -- routine day-to-day direction and arrangements to ensure the well-being and safety of the child.”

Pursuant to 42 USC 672, to be eligible for funding under Title IV-E, a child and the child’s placement must meet the following conditions:

- the child must be a United States citizen or qualified alien;
- the child must have been eligible for former Aid to Dependent Children funds in the home from which the child was removed;
- jurisdiction must be established under the Juvenile Code;
- DHS must be responsible for the child’s placement and care;
- the court must make the findings outlined below; and
- the child must be in a licensed foster home, a private non-profit child placing agency, or a private child-caring institution.

Federal regulations implementing these requirements reiterate that a state’s public child welfare agency—DHS in Michigan—must have “responsibility for the child’s placement and care. The agency must determine a child’s specific placement. If the court orders a specific placement for the child, the placement is ineligible for Title IV-E funding.” 45 CFR 1356.21(g)(3). The agency must have *sole* responsibility for a child’s placement and care. *Craven v Dep’t of Social Services*, 132 Mich App 673, 678 (1984) (court may not retain authority to co-supervise a child’s care), and *Oakland County Probate Court v Dep’t of Social Services*, 208 Mich App 664, 667–68 (1995) (court may not specify placement alternatives for a child; the court’s authority is limited to reviewing the case of a child in foster care).

“If there is a DISPUTE AMONG THE PARTIES (those persons with legal standing before the court) regarding placement of a child, the court has the authority to make a ruling regarding a child’s placement without affecting Title IV-E eligibility.” *DHS Services Manual*, CFF 902-2. “Parties” means only DHS or a child placing agency, the child’s parents, and the child’s LGAL and/or attorney. A court order resolving the dispute must document the identity of the parties, the reason for the dispute, the rationale for the court’s decision, and that the parties are actively working to resolve the dispute. *Id.*

Court requirements include the following:

*Amended orders include provisions that should have been included previously in an order but were omitted. *Nunc pro tunc* orders include provisions in orders that were addressed at a previous proceeding but were omitted from the order. In other words, *nunc pro tunc* orders correct the record. *Nunc pro tunc* orders are also effective retroactively.

- **In the very first court order that authorizes removal, the court must make and document a judicial determination that remaining in the home is “contrary to the child’s welfare.”** All judicial determinations must specify on what basis the determination is being made. Check boxes alone are not adequate. If the court does not make this determination in its first order following the child’s removal from home, the child will be ineligible for Title IV-E funding for the remainder of that “placement episode.” A placement episode begins when a child goes from his or her own or the home of a legal guardian to an out-of-home living arrangement, and a placement episode ends when the child is placed back in his or her own home or the home of a legal guardian. Amended or *nunc pro tunc* orders* are not permitted. If the court issues an ex-parte order removing the child, the “contrary to the child’s welfare” finding must appear in that order; otherwise, it must appear in the first order following removal, which will usually be the order following the preliminary hearing. See 45 CFR 1356.21(c) and (d) and *DHS Services Manual*, CFF 902-2.
- **Within 60 days of the child’s removal from home, the court must find that “the agency has made reasonable efforts to prevent removal from the home.”** The court may also find that reasonable efforts are not required if aggravated circumstances apply, which generally are the conditions set forth in MCL 722.638 of the Child Protection Law. If the determination regarding reasonable efforts to prevent removal is not made in the time and manner required, the child will be ineligible for Title IV-E funding for the remainder of that placement episode. In order to meet this requirement, it is suggested that courts make this determination at the preliminary hearing. If the agency determines that efforts to prevent removal or reunify a family are not reasonable and the court agrees, the court can make a finding that not making efforts is reasonable. However, whenever it is determined that no reasonable efforts to reunite are necessary, a permanency planning hearing must be held within 30 days. MCL 712A.19a(2) addresses this requirement.

- **Within 12 months of the child’s placement in foster care and every 12 months thereafter, the court must determine that the agency is making reasonable efforts to finalize the permanency plan whether that be return home or some other plan.** This may occur at a permanency planning hearing. If this finding is insufficient, late, missing, or indicates that the agency hasn’t made reasonable efforts to finalize a permanency plan, the child is ineligible for Title IV-E funding *until the court makes a proper finding or determines that the agency is making the required reasonable efforts*. Again, the court’s findings must be detailed (including relevant case facts) and be included in a court order or hearing transcript. Affidavits, *nunc pro tunc* orders, or references to Michigan statutes or court rules requiring reasonable efforts are insufficient. 45 CFR 1356.21(d). The requirement for a judicial finding of reasonable efforts to finalize the permanency plan also applies to those cases where parents have voluntarily released their rights under the Adoption Code (subsequent to a child protective proceeding), and to cases where the finalization of an adoption placement is delayed beyond 12 months. DHS has agreed to notify the courts of cases where time to a finalized adoption has exceeded 12 months and a new SCAO form (PCA 351) can be used to summarize the results of review hearings on these cases.
- **Children returned home for “trial home visits” remain eligible for Title IV-E funding.** “Trial home visits” may not exceed six months unless the court authorizes a longer period in a court order. Continuance of a court hearing is insufficient. 45 CFR 1356.21(e). A return to care after the child has been home for six months is considered to be a new placement, necessitating new “contrary to the welfare” and “reasonable efforts” findings. *Id.*

Assignment of support to DHS. MCL 400.115b provides that if the DHS is making state or federally funded foster care maintenance payments for a child that is either under the supervision of the DHS or has been committed to the DHS, all rights to current, past due, and future child support are assigned to the DHS while the child is receiving or benefiting from those payments. MCL 400.115b(5)–(6) state:

“(5) All rights to current, past due, and future support payable on behalf of a child committed to or under the supervision of the [DHS] and for whom the [DHS] is making state or federally funded foster care maintenance payments are assigned to the [DHS] while the child is receiving or benefiting from those payments. When the [DHS] ceases making foster care maintenance payments for the child, both of the following apply:

(a) Past due support that accrued under the assignment remains assigned to the [DHS].

(b) The assignment of current and future support rights to the [DHS] ceases.

“(6) The maximum amount of support the [DHS] may retain to reimburse the state, the federal government, or both for the cost of care shall not exceed the amount of foster care maintenance payments made from state or federal money, or both.”

Except as otherwise provided by law, expenses incurred in cases under the Juvenile Code are to be paid out of a county’s general fund. MCL 712A.25(1) states as follows:

“Except as otherwise provided by law, expenses incurred in carrying out this chapter shall be paid upon the court’s order by the county treasurer from the county’s general fund.”

Although MCL 712A.25(1) requires a county to use general fund money to pay for expenses incurred in proceedings under the Juvenile Code, the county may use its CCF to pay, and may be reimbursed by the DHS for a portion of, such expenses, depending upon the placement ordered by the court and other factors.

County Child Care Fund.* A county Child Care Fund (CCF) consists of funds appropriated by a county for “foster care” and “juvenile justice services.” MCL 400.117c(1) and (2). The CCF must be used to pay the costs of providing “foster care” for children under the jurisdiction of the Family Division. The Child Care Fund may be used to pay for “juvenile justice services” pursuant to MCL 400.117a(4)(a) and 400.117c(4). “Juvenile justice service” is defined in MCL 400.117a(1)(c) as follows:

“(c) ‘Juvenile justice service’ means a service, exclusive of judicial functions, provided by a county for juveniles who are within or likely to come within the court’s jurisdiction under [MCL 712A.2] A service includes intake, . . . foster care, diagnostic evaluation and treatment, shelter care, or any other service approved by the office or county juvenile agency, as applicable, including preventive, diversionary, or protective care services. A juvenile justice service approved by the office or county juvenile agency must meet all applicable state and local government licensing standards.”

The CCF may also be used to pay a county’s share of the costs of maintaining children committed to the Michigan Children’s Institute. MCL 400.117c(3).

*For more detail on allowable expenses, see 1979 AC, R 400.2001 et seq., and the “Handbook for the Child Care Fund,” available through the DHS.

The DHS reimburses 50% of eligible annual expenditures from a county's Child Care Fund. MCL 400.117a(4)(a). In counties with a population of 75,000 or less, approved basic grant services costs are 100% reimbursible. If a child is committed to the Michigan Children's Institute, the DHS pays the entire cost of a juvenile's care and service, but the county is charged back 50% of that cost. MCL 400.207(1) and MCL 803.305(1). To recover 50% of the costs, the DHS may either bill the county or offset the amount due in the DHS's reimbursement of the county's CCF. MCL 400.117a(4)(a).

The 50% DHS reimbursement of annual expenses does not include reimbursement for counties' capital expenditures. *Ottawa County v Family Independence Agency*, 265 Mich App 496, 499–503 (2005). In *Ottawa County*, eleven Michigan counties filed suit seeking reimbursement from the DHS for capital expenditures that included building, equipping, or improving juvenile detention facilities. The Court of Appeals concluded that reimbursement of a county's expenditure is conditioned upon meeting several requirements, including compliance with DHS's administrative rules and enabling statute and DHS's policies. Moreover, the Court noted that DHS is required to develop a system of reporting expenditures that only allows reimbursement "based on care given to a specific, individual child." MCL 400.117a(8). Relevant administrative rules and policies allow reimbursement of expenses necessary to provide direct services to children but severely limit reimbursement of capital expenditures because such expenditures are not attributable to the care of individual children. The Court of Appeals also concluded that DHS's failure to reimburse the counties for their capital expenditures did not violate the Headlee Amendment, Const 1963, art 9, §29.

MCR 3.926(C)(1) provides that when disposition is ordered by a Family Division other than the Family Division in a county where the child resides, the court ordering disposition is responsible for any costs incurred in connection with the order unless the court in the county where the child resides agrees to pay such dispositional costs.

14.2 Orders for Reimbursement of the Costs of Care or Services When a Child Is Placed Outside the Home

"An order of disposition placing a juvenile in or committing a juvenile to care outside of the juvenile's home and under state, county juvenile agency, or court supervision shall contain a provision for reimbursement by the juvenile, parent, guardian, or custodian to the court for the cost of care or service." MCL 712A.18(2).

A stepfather does not qualify as a "custodian" for the purposes of ordering reimbursement pursuant to MCL 712A.18(2). In *In re Hudson*, 262 Mich App 612, 614–15 (2004), a stepfather was ordered to pay the cost of his stepdaughter's care and legal representation. The Probate Code does not

define “custodian.” However, the Court of Appeals noted that “custodian” has a specific legal meaning as provided in the Michigan Uniform Transfer to Minors Act, MCL 554.521 et seq. Under that act, “one does not become a ‘custodian’ without acquiring, under clearly articulated circumstances, legal possession of a minor’s property which is then held in trust for the child.” The Court concluded that because the stepfather was not a financial ‘custodian’ as specifically defined in the Michigan Uniform Transfer to Minors Act, he could not be ordered to reimburse the court for the juvenile’s cost of care or out-of-home placement.

“An order directed to a parent or a person other than the juvenile is not effective and binding on the parent or other person unless opportunity for hearing is given by issuance of summons or notice as provided in sections 12 and 13 of [the Juvenile Code] and until a copy of the order, bearing the seal of the court, is served on the parent or other person as provided in section 13 of [the Juvenile Code].” MCL 712A.18(4).

A. Amount of Reimbursement

A reimbursement order “shall be reasonable, taking into account both the income and resources of the juvenile, parent, guardian, or custodian.” MCL 712A.18(2). The amount may be based upon the guidelines and model schedule created by the State Court Administrator. MCL 712A.18(2) and (6).

If the juvenile is receiving an adoption support subsidy pursuant to MCL 400.115f et seq., the amount of reimbursement ordered shall not exceed the amount of the support subsidy. MCL 712A.18(2).

Amendment of reimbursement orders. The State Court Administrative Office’s “Guidelines for Court Ordered Reimbursement and Procedures for Reimbursement Program Operations” (1990), pp 12–13, states as follows:

“4. Amendment of the Order

“Changed circumstances may result in a need to amend the order of reimbursement. The affected party(ies) or a representative of the court may request reconsideration of the order. The Motion and Order (JC 15), is used to request opportunity to be heard on changed circumstances.

“The judge should make it clear to the affected parties at disposition that the order can be amended, and by whom. Because the court often discovers financial information after entry of the order of disposition, there must be flexibility for adjustments based on new information. The parent, guardian or custodian can request changes in the order based on changes in income or circumstances.

In either case, the court should require completion of a revised Financial Statement (JC 34), with instructions that the changes be noted. The revised statement should be clearly marked and dated to distinguish it from previous statements.

“The court can include a provision in the original order of reimbursement requiring the parent, guardian or custodian to notify the Court of any increase or decrease within 7 days of occurrence. The Court should also reserve the right to amend the order if the party fails to notify the court.

“5. Review of the Order

“The court can, at any time, order a review of the parent, guardian or custodian’s compliance with the order of reimbursement. Notice must [be] given for hearing.

“If the court orders reimbursement of the full cost-of-care/service with an interval payment amount, a review should be required prior to the release of the child from the court’s jurisdiction. This review provides an opportunity for the Judge to look at compliance with the order, payment history, arrearage, enforcement efforts needed and other factors. The court can then determine whether to:

1. Forgive the entire debt
2. Forgive any part of the debt
3. Continue the original/last order as entered
4. Seek voluntary or involuntary wage assignment
5. Amend an existing order.”

B. Duration of Reimbursement Order

“The reimbursement provision applies during the entire period the juvenile remains in care outside of the juvenile’s own home and under state, county juvenile agency, or court supervision, unless the juvenile is in the permanent custody of the court.” MCL 712A.18(2).

MCL 712A.18(2) does not establish an unqualified mandate that a parent reimburse the state for the entire cost it incurs in caring for the parent’s child. The amount need only be reasonable, considering the criteria

enumerated in the statute (a parent's income and resources). *In re Brzezinski*, 454 Mich 889 (1997) (reversing by summary disposition the Court of Appeals and adopting the dissent by Griffin, PJ, at 214 Mich App 652, 675 (1995)). However, because the reimbursement order is included in an order of disposition, the court must necessarily order reimbursement before it is aware of the total amount of expenses that the state will incur in caring for the child. Thus, the provision of MCL 712A.18(2) that states that the "reimbursement provision applies during the entire period the juvenile remains in care outside of the juvenile's own home" provides a mechanism by which the court may determine the total amount of the parent's reimbursement obligation. *Id.* at 677. Moreover, MCL 712A.18(2) provides that collection of the balance due on reimbursement orders may be made after a child is released or discharged from care.

In *In re Reiswitz*, 236 Mich App 158, 163 (1999), the Court of Appeals held that where the court entered a reimbursement order while it had jurisdiction over a juvenile and parent, the parent could not avoid paying reimbursement after the trial court's jurisdiction over the juvenile and parent had terminated. Approving the use of installment payments, the Court of Appeals concluded that the "juvenile court" may order and collect reimbursement both before and after the juvenile reaches "the age of majority." *Id.* at 167–69. A court that orders reimbursement under MCL 712A.18(2) while it has jurisdiction over a juvenile and parent may enforce that order through its contempt powers after such jurisdiction has terminated. *Id.* at 172, citing *Wasson v Wasson*, 52 Mich App 91 (1974) (child support arrearages may be collected through use of contempt power following termination of jurisdiction) and MCL 712A.30 (restitution orders remain in effect until satisfied in full). The Court of Appeals also rejected the parent's argument that the order was unreasonable under MCL 712A.18(2). The order was reasonable even though it required installment payments by the parent after the juvenile reached adulthood. *Id.* at 174–76.

C. Collection and Disbursement of Amounts Collected

MCL 712A.18(2) states in relevant part as follows:

"The court shall provide for the collection of all amounts ordered to be reimbursed and the money collected shall be accounted for and reported to the county board of commissioners. Collections to cover delinquent accounts or to pay the balance due on reimbursement orders may be made after a juvenile is released or discharged from care outside the juvenile's own home and under state, county juvenile agency, or court supervision. Twenty-five percent of all amounts collected under an order entered under this subsection shall be credited to the appropriate fund of the county to offset the administrative cost of collections. The balance of all amounts collected pursuant to an order entered under this

subsection shall be divided in the same ratio in which the county, state, and federal government participate in the cost of care outside the juvenile's own home and under state, county juvenile agency, or court supervision. The court may also collect from the government of the United States benefits paid for the cost of care of a court ward. Money collected for juveniles placed by the court with or committed to the family independence agency or a county juvenile agency shall be accounted for and reported on an individual juvenile basis."

D. Delinquent Accounts

MCL 712A.18(2) states in relevant part as follows:

"In cases of delinquent accounts, the court may also enter an order to intercept state or federal tax refunds of a juvenile, parent, guardian, or custodian and initiate the necessary offset proceedings in order to recover the cost of care or service. The court shall send to the person who is the subject of the intercept order advance written notice of the proposed offset. The notice shall include notice of the opportunity to contest the offset on the grounds that the intercept is not proper because of a mistake of fact concerning the amount of the delinquency or the identity of the person subject to the order. The court shall provide for the prompt reimbursement of an amount withheld in error or an amount found to exceed the delinquent amount."

E. Copy of Reimbursement Order to Department of Treasury

MCL 712A.28(3) requires a court that enters a reimbursement order under MCL 712A.18(2) to mail a copy of the order to the Michigan Department of Treasury. MCL 712A.28(3) states:

"If the court issues an order in respect to payments by a parent under [MCL 712A.18(2)], a copy shall be mailed to the department of treasury. Action taken against parents or adults shall not be released for publicity unless the parents or adults are found guilty of contempt of court. The court shall furnish the family independence agency and a county juvenile agency with reports of the administration of the court in a form recommended by the [Michigan Probate Judges Association]. Copies of these reports shall, upon request, be made available to

other state departments by the family independence agency.”

*See Section 14.2, above.

14.3 Orders for Reimbursement of the Costs of Service When a Child Is Placed in the Child’s Own Home

An order of disposition under MCL 712A.18(1)(b) placing a child in the child’s own home *may* contain a provision for the reimbursement by a parent, guardian, or custodian to the court for the cost of service. If such an order is entered, an amount due shall be determined and treated in the same manner as under MCL 712A.18(2), dealing with reimbursement for cost of care outside the child’s own home. MCL 712A.18(3).*

The guidelines and model schedule developed by the State Court Administrative Office pursuant to MCL 712A.18(6) may be used for determining the amount of reimbursement.

14.4 Using a Child’s Governmental Benefits to Reimburse the Costs of Care

MCL 712A.18(1)(e) states in relevant part as follows:

*Under these statutes, a child may be committed to the Michigan Children’s Institute following termination of all parental rights. See Section 18.16.

“Except for commitment to the family independence agency or a county juvenile agency, an order of commitment under this subdivision to a state institution or agency described in . . . MCL 400.201 to 400.214,* the court shall name the superintendent of the institution to which the juvenile is committed as a special guardian to receive benefits due the juvenile from the government of the United States. An order of commitment under this subdivision to the family independence agency or a county juvenile agency shall name that agency as a special guardian to receive those benefits. The benefits received by the special guardian shall be used to the extent necessary to pay for the portions of the cost of care in the institution or facility that the parent or parents are found unable to pay.”

14.5 Using Wage Assignments to Pay Reimbursement Orders

MCL 712A.18b provides that whenever the court enters a reimbursement order and the parent or other adult legally responsible for the care of the child fails or refuses to obey and perform the order, and has been found guilty of contempt of court for such failure or refusal, the court making the

order may order an assignment to the county or state of the salary, wages, or other income of the person responsible for the care of the child, which assignment shall continue until the support is paid in full. The order of assignment shall be effective one week after service upon the employer of a true copy of the order by personal service or by registered or certified mail.

Thereafter the employer shall withhold from the earnings due to the employee the amount specified in the order of assignment for transmittal to the county or state until notified by the court that the support arrearage is paid in full. An employer shall not use the assignment as a basis, in whole or in part, for the discharge of the employee or for any other disciplinary action against an employee. Compliance by an employer with an order of assignment operates as a discharge of the employer's liability to the employee as to that portion of the employee's earnings so affected. MCL 712A.18b.

14.6 Orders for Reimbursement of Attorney and Lawyer-Guardian ad Litem Fees

If the court appoints an attorney to represent a party, the court may enter an order requiring the party or the person responsible for the support of the party to reimburse the court for attorney fees. MCR 3.915(E). See also MCL 712A.18(5), which allows the court to order a parent, guardian, or custodian who was appointed counsel to reimburse the court for attorney fees. MCL 712A.17c(8) states as follows:

“If an attorney or lawyer-guardian ad litem is appointed for a party under this act, after a determination of ability to pay the court may enter an order assessing attorney costs against the party or the person responsible for that party's support, or against money allocated from marriage license fees for family counseling services under . . . MCL 551.103. An order assessing attorney costs may be enforced through contempt proceedings.”

See also MCR 3.916(D) (reimbursement for costs of guardian ad litem may also be ordered).



Funding Source Chart: Preadjudication – Prevention / Diversion

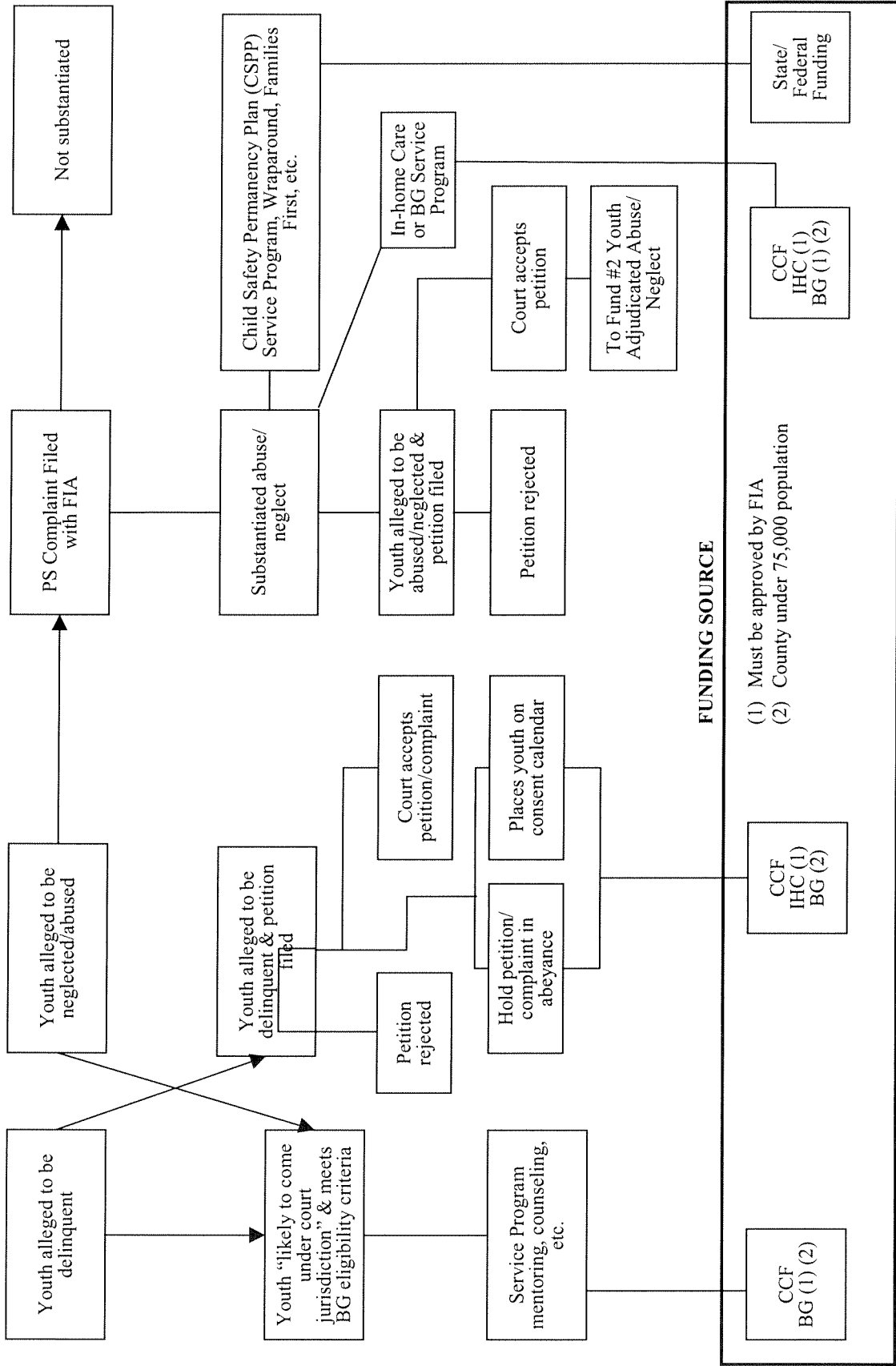
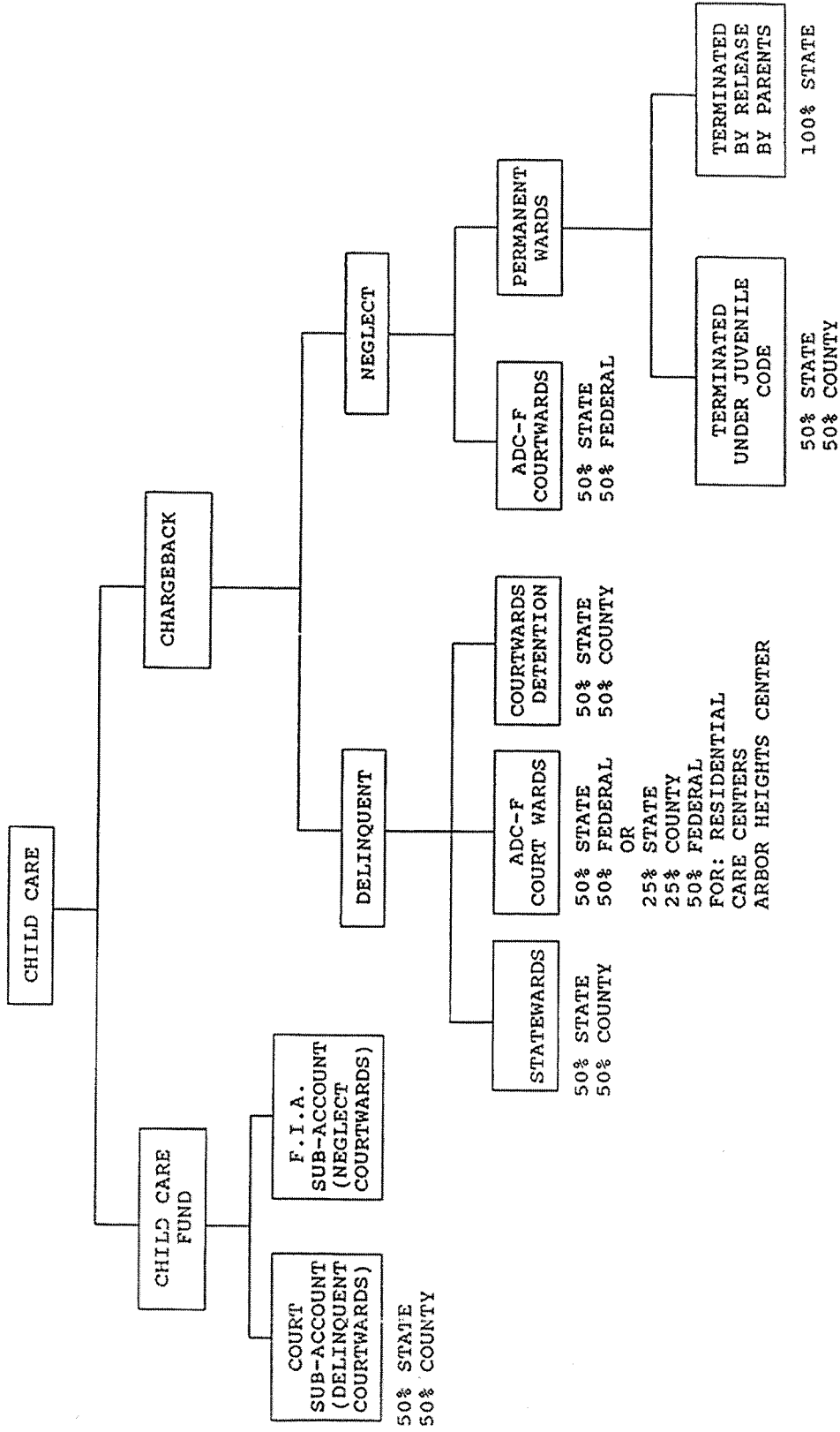
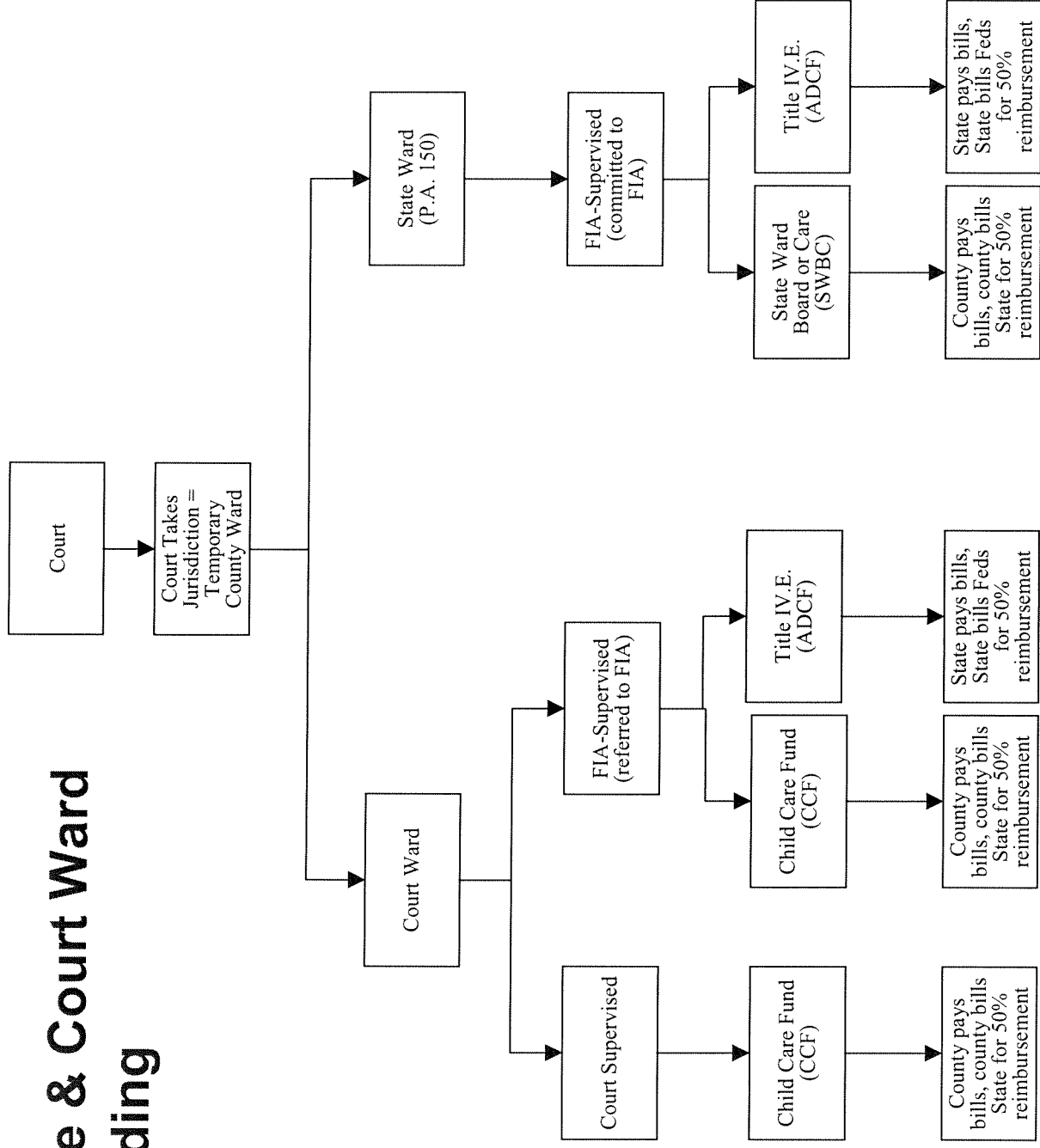


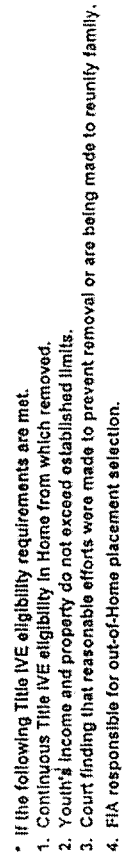
CHART C.1



State & Court Ward Funding



CCF = Child Care Fund
SWB&C = State Ward Board & Care
Title IV-E = Aid to Dependent Children
BG = Basic Grant



NOTE: Funding is available for both state and court wards through Performance Agreements.